Expedited Bill No. 21-22

Concerning: Weapons – Firearms In or Near Places of Public Assembly

Revised: 11/10/2022 Draft No. 2

Introduced: July 12, 2022

Enacted: November 15, 2022

Enacted: November 15, 2022

Executive: November 28, 2022

Effective: November 28, 2022

Sunset Date: None

Ch. 36 , Laws of Mont. Co. 2022

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Albornoz
Co-Sponsors: Councilmembers Hucker, Friedson, Jawando, Riemer, and Katz; Council VicePresident Glass; and Councilmember Rice

AN EXPEDITED ACT to:

- (1) prohibit the possession of firearms in or near places of public assembly, with certain exemptions;
- (2) remove an exemption that allows individuals with certain handgun permits to possess handguns within 100 yards of a place of public assembly; and
- (3) generally amend the law regarding restrictions against firearms in the County.

By amending

Montgomery County Code Chapter 57, Weapons [[Section]] <u>Sections 57-1, 57-7, and 57-11</u>

Boldface *Heading or defined term.*

<u>Underlining</u>
Single boldface brackets]
Added to existing law by original bill.

Deleted from existing law by original bill.

<u>Double underlining</u> *Added by amendment.*

[[Double boldface brackets]] Deleted from existing law or the bill by amendment.

* Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec. 1. [[S	Section]] <u>Sections 57-1, 57-7, and</u> 57-11 [[is]] <u>are</u> amended as
2	follows:		
3	57-1. Definitions	S.	
4			* * *
5	Gur	or fired	arm: Any rifle, shotgun, revolver, pistol, ghost gun,
6	und	etectable	e gun, air gun, air rifle or any similar mechanism by whatever
7	nam	ne know	n which is designed to expel a projectile through a gun barrel
8	by t	he actio	n of any explosive, gas, compressed air, spring or elastic.
9			* * *
10	(2)	"Gho	est gun" means a firearm, including an unfinished frame or
11		recei	ver, that:
12		<u>(A)</u>	lacks a unique serial number engraved or cased in metal
13			alloy on the frame or receiver by a licensed manufacturer,
14			maker or importer [[under]] in accordance with federal law
15			[or] <u>; and</u>
16		<u>(B)</u>	lacks markings and is not registered with the Secretary of
17			the State Police in accordance with [[27 C.F.R. § 479.102]]
18			Section 5-703(b)(2)(ii) of the Public Safety Article of the
19			Maryland Code.
20		[[It]]	"Ghost gun" does not include a firearm that has been
21		rende	ered permanently inoperable, or a firearm that is not required
22		to ha	we a serial number in accordance with the Federal Gun
23		Cont	rol Act of 1968.
24			* * *
25	(8)	"Und	letectable gun" means:
26			* * *

27	<u>(9)</u>	Uni	inished frame or receiver means a forged, cast, printed,
28		<u>extru</u>	ded, or machined body or similar article that has reached a
29		stage	in manufacture where it may readily be completed,
30		assen	nbled, or converted to be used as the frame or receiver of a
31		funct	ional firearm.
32			
33			* * *
34	Place	e of pul	blic assembly: A "place of public assembly" is:
35	<u>(1)</u>	a [[p]	lace where the public may assemble, whether the place is]]
36		publi	cly or privately owned:[[, including a]]
37		<u>(A)</u>	park;
38		<u>(B)</u>	place of worship;
39		<u>(C)</u>	school;
40		<u>(D)</u>	library;
41		<u>(E)</u>	recreational facility;
42		<u>(F)</u>	hospital;
43		<u>(G)</u>	community health center, including any health care facility
44			or community-based program licensed by the Maryland
45			Department of Health;
46		<u>(H)</u>	long-term facility, including any licensed nursing home,
47			group home, or care home; [[or]]
48		<u>(I)</u>	multipurpose exhibition facility, such as a fairgrounds or
49			conference center; or
50		<u>(J)</u>	childcare facility;
51	<u>(2)</u>	gove	rnment building, including any place owned by or under the
52		contr	ol of the County;

53		(3) polling place;				
54		(4) <u>courthouse</u> ;				
55		(5) <u>legislative assembly; or</u>				
56		(6) a gathering of individuals to collectively express their				
57		constitutional right to protest or assemble.				
58		A "place of public assembly" includes all property associated with the				
59	place, such as a parking lot or grounds of a building.					
50		* * *				
51	57-7. Access to guns by minors.					
52		* * *				
53	(d)	A person must not purchase, sell, transfer, possess, or [[transfer]]				
54		transport a ghost gun, including a gun created through a 3D printing				
55		process, in the presence of a minor.				
56		* * *				
57	57-11. Fire	earms in or near places of public assembly.				
58	(a)	In or within 100 yards of a place of public assembly, a person must not:				
59		(1) sell, transfer, possess, or transport a ghost gun, undetectable gun,				
70		handgun, rifle, or shotgun, or ammunition or major component for				
71		these firearms; or				
72		(2) sell, transfer, possess, or transport a firearm created through a 3D				
73		printing process.				
74	(b)	This section does not:				
75		(1) prohibit the teaching of firearms safety or other educational or				
76		sporting use in the areas described in subsection (a);				
77		(2) apply to a law enforcement officer, or a security guard licensed to				
78		carry the firearm;				

79	(3)	apply to the possession of a firearm or ammunition, other than a	
80		ghost gun or an undetectable gun, in the person's own home;	
81	(4)	apply to the possession of one firearm, and ammunition for the	
82		firearm, at a business by either the owner who has a permit to carry	
83		the firearm, or one authorized employee of the business who has a	
84		permit to carry the firearm; or	
85	(5)	[apply to the possession of a handgun by a person who has received	
86		a permit to carry the handgun under State law; or]	
87	[(6)]	apply to separate ammunition or an unloaded firearm:	
88		(A) transported in an enclosed case or in a locked firearms rack	
89		on a motor vehicle, unless the firearm is a ghost gun or an	
90		undetectable gun; or	
91		(B) being surrendered in connection with a gun turn-in or	
92		similar program approved by a law enforcement agency.	
93		* * *	
94	Sec. 2. Expedited Effective Date. The Council declares that this legislation is		
95	necessary for the immediate protection of the public interest. This Act takes effect or		
96	the date on which it becomes law.		
97	Sec. 3. Severability. If any provision of this Act, or any provision of Chapter		
98	57, is found to be invalid by the final judgment of a court of competent jurisdiction		
99	the remaining provisions must be deemed severable and must continue in full force		
100	and effect.		
101	<u>Sec. 4. This</u>	Act and Chapter 57 must be construed in a manner that is consistent	
102	with regulations of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives		
103	including 87 FR 24	4652 (effective August 24, 2022), as amended.	

Case 8:21-cv-01736-TDC Document 49-2 Filed 11/29/22 Page 6 of 6

EXPEDITED BILL No. 21-22

Approvea:	
La Olin	11/17/2022
	11/17/2022
Gabriel Albornoz, President, County Council	Date
Approved:	
Mary ERP	11/28/2022
Marc Elrich, County Executive	Date
This is a correct copy of Council action.	
Judislams	11/28/2022
Judy Rupp, Clerk of the Council	Date